

**BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

ADD-ON

Meeting Date: March 15, 2006
Bulk Item: Yes ☐ No ☒

Division: County Attorney
Staff Contact Person: Jerry D. Sanders

AGENDA ITEM WORDING:

Discussion and direction to staff with guidance in negotiating with the Department of Community Affairs and others with regard to the pending legislation to de-designate the Florida Keys as an Area of Critical State Concern.

ITEM BACKGROUND:

Representative Ken Sorensen has introduced legislation to de-designate the Florida Keys as an Area of Critical State Concern. Amendments to that bill have been proposed by the Department of Community Affairs (DCA) which may alter the original intent of de-designation. Staff requests guidance and the intent of the Board of County Commissioners (BOCC) as to such amendments. County Attorney staff is also concerned regarding the effect the land development regulations (LDR's) imposed upon the County by the Florida Administrative Commission, upon recommendation of the DCA, will have on inverse condemnation actions. Staff desires direction from the BOCC as to proposing amendments to the de-designation bill that would exempt Monroe County from the provisions of the *Bert Harris Act*.

PREVIOUS RELEVANT BOCC ACTION:

Unanimous approval of *Resolution No. 493A-2005* on 12/21/05 and unanimous approval of *Resolution No. 030-2006* on 1/18/06, "elaborating on *Resolution No. 493A-2005* to set forth specific protections to be sought in legislation to remove designation as an "Area of Critical State Concern" from Monroe County".

CONTRACT/AGREEMENT CHANGES:

STAFF RECOMMENDATIONS:

Guidance and direction.

TOTAL COST: _____

BUDGETED: Yes ☐ No ☐

COST TO COUNTY: _____

SOURCE OF FUNDS: _____

REVENUE PRODUCING: Yes ☐ No ☐ **AMOUNT PER MONTH** _____ **Year** _____

APPROVED BY: County Atty CA OMB/Purchasing _____ Risk Management _____

DIVISION DIRECTOR APPROVAL: Suzanne A. Hutton
SUZANNE A. HUTTON, INTERIM COUNTY ATTORNEY

DOCUMENTATION: Included ☒ Not Required ☐

DISPOSITION: _____

AGENDA ITEM # _____

RESOLUTION NO. 030- 2006

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY ELABORATING ON RESOLUTION NO. 493A-2005 TO SET FORTH SPECIFIC PROTECTIONS TO BE SOUGHT IN LEGISLATION TO REMOVE DESIGNATION AS AN "AREA OF CRITICAL STATE CONCERN" FROM MONROE COUNTY.

WHEREAS, the BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY (hereinafter "COUNTY") voted to seek legislation to remove Monroe County from designation as an area of critical state concern, as reflected in Resolution 493A-2005; and

WHEREAS, the resolution contains the verbiage recited in the motion, but does not contain specific concerns raised during discussion on the motion; and

WHEREAS, a primary desire to have the area of critical state concern designation lifted is based on delays created by State review of individual development plans despite the fact that the County's land development regulations and comprehensive plan have already received Department of Community Affairs approval; and

WHEREAS, it is recognized that tourism and enhanced growth management regulations will continue to impact Monroe County if and when the designation as an area of critical state concern is removed; and

WHEREAS, it is recognized that certain benefits have accrued to Monroe County due to its designation as an area of critical state concern; and

WHEREAS, it is desirable and necessary to retain as many benefits of the critical state concern legislation as possible due to the unavailability of land, the unique logistical difficulties and infrastructure requirements, such as transportation of supplies and water, along with the increase in property values at a phenomenal rate, all of which Monroe County faces in resolving issues which are not experienced statewide; and

WHEREAS, it is preferable to phase out, and not abruptly cease, those benefits available to an area of critical state concern which cannot be continued indefinitely should the designation be removed; and

WHEREAS, it is desired to formally set forth the specific concerns raised by various commissioners as matters to be addressed and protected or phased out through the proposed legislation;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, that:

1. Resolution 493A-2005 shall be elaborated upon as follows:

State Representative Sorenson is requested to seek legislation¹ to remove Monroe County from designation as an area of critical state concern, which legislation shall provide for the continuation, or phasing out, of certain benefits which have accrued to Monroe County due to its designation as an area of critical state concern. Those matters which the Board of County Commissioners finds to be in the best interests of the general public to continue to be available to Monroe County, or at least to be gradually phased out, are:

- a) Retention of the ability to expend up to 10% of the infrastructure sales tax on public uses other than infrastructure;
- b) Retention of the tourist impact tax, which has been authorized by § 125.0108, FS;
- c) Retention of the Land Authority and its ability to purchase land in Monroe County for the purposes available under § 380.0666, FS, particularly for purposes of conservation and affordable housing;
- d) Continued participation by the State in financial responsibility for the inverse condemnation awards and settlements resulting from the stringent land use regulations required of Monroe County as an area of critical state concern;
- e) Continued availability of preferential points for competitive grants for acquisition and preservation of the environment, acquisition and development of recreational lands, and acquisition and development of affordable housing;
- f) To the extent possible and appropriate, the retention of recognition of Monroe County's environmental and tourist-related significance to the State so that legislation which affects only Monroe County due to unique issues may still be passed;
- g) The legislation should include the following language:

¹ Any legislation to remove Monroe County, or portions thereof, from the area of critical state concern, without undergoing the State's process set forth in Section 380.0552(4),FS, would require repeal of or amendment to that statute.

Notwithstanding any provision of Chapter 380, part I, to the contrary, a local government within the Florida Keys area of critical state concern or an area that was designated as an area of critical state concern for at least twenty (20) consecutive years prior to removal of the designation, may enact an ordinance that:

- (1) Requires connection to a central sewerage system within thirty (30) days of notice of availability of services; and
 - (2) provides a definition of onsite sewage treatment and disposal systems that does not exclude package sewage treatment facilities if such facilities are in full compliance with all regulatory requirements and treat sewage to advanced wastewater treatment standards or utilize effluent reuse as their primary method of effluent disposal.
2. The Board is committed to the final adoption of the Tier System for habitat protection which should not delay the removal of Monroe County from designation as an area of critical state concern.
 3. The Board is committed to the continuation of its Ten-Year Work Plan to accomplish providing wastewater treatment, and establishing work-force and affordable housing in the unincorporated portions of the Florida Keys.
 4. This Resolution shall become effective upon the date of its adoption herein.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida, at a meeting of said Board held on the eighteenth day of January, A.D. 2006.

Mayor Charles "Sonny" McCoy
Mayor Pro Tem Murray Nelson
Commissioner George Neugent
Commissioner David Rice
Commissioner Dixie Spehar

Yes
Yes
Yes
Yes
Yes

FILED FOR RECORD
2006 JAN 23 PM 3:47
DANNY L. KOLHAGE
CLK. CIR. CT.
MONROE COUNTY, FLA.



DANNY L. KOLHAGE, Clerk

C. De Santis
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

By: *[Signature]*
Mayor/Chairman

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM:

[Signature]
SUZANNE A. HUTTON
ASSISTANT COUNTY ATTORNEY

Date 1/20/06

RESOLUTION NO. 493A 2005

**A RESOLUTION FOR THE REMOVAL OF MONROE
COUNTY FROM THE STATE AREA OF CRITICAL
CONCERN .**

WHEREAS, The Department of Community Affairs, for the first time since Monroe County was designated as Area of Critical Concern thirty years ago, has given the County an approval grade on it's accomplishments;

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY
COMMISSIONERS OF MONROE COUNTY, THAT:**

1. The Board of County Commissioners unanimously supports the removal of Monroe County from the Area of Critical Concern Designation and further that:
2. A cooperative posture remain between the State and the County to avoid a disruption in the programs in progress.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County this 21st day of December, 2005.



Mayor Charles "Sonny" McCoy
Mayor ProTem Murray Nelson
Commissioner George Neugent
Commissioner David Rice
Commissioner Dixie M. Spehar

yes
yes
yes
yes
yes

Attest: Danny L. Kolhage, Clerk

By: *Danny L. Kolhage*
Deputy Clerk

**BOARD OF COUNTY COMMISSIONERS
MONROE COUNTY, FLORIDA**

By: *Charles "Sonny" McCoy*
MAYOR CHARLES "SONNY" McCOY

FILED FOR RECORD
2005 DEC 23 AM 10:37
DANNY L. KOLHAGE
CLK. CIR. CT.
MONROE COUNTY, FLA.

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM
Suzanne A. Hutton
SUZANNE A. HUTTON
ASSISTANT COUNTY ATTORNEY
Date 12/23/05

**Amendment to HB 1299
De-Designation of Monroe County
as Area of Critical State Concern**

**as Proposed By Staff of
Department of Community Affairs**

STAFF DRAFT ONLY – SUBJECT TO REVIEW AND SUBSTANTIAL REVISION
03/8/2006; 8:00 A.M.

On Page 4, strike lines 93 through 105 and insert the following:

(d) The determination of the Administration Commission as to whether substantial progress has been made toward accomplishing the tasks of the work program may be judicially reviewed pursuant to chapter 86. All proceedings shall be conducted in the circuit court where the Administration Commission maintains its headquarters, and shall be initiated within 30 days after rendition of the Administration Commission determination. The Administration Commission's determination as to whether substantial progress has been made toward accomplishing the tasks of the work program shall be upheld if it is fairly debatable and shall not be subject to administrative review under chapter 120.

(e) In its review of comprehensive plans and comprehensive plan amendments adopted by local governments in the Florida Keys Area after removal of designation as an area of critical state concern, the department shall review the local comprehensive plans, and any amendments, which are applicable to the Florida Keys for compliance with the following provisions in addition to its review of local comprehensive plans and amendments for compliance as defined in s. 163.3184; and all the procedures and penalties described in s. 163.3184 shall be applicable to this review.

1. Adoption of goals, objectives and policies to limit the adverse impacts of development on habitat and the quality of water throughout the Florida Keys and the adverse impacts of public investments on the environmental resources of the Florida Keys;

2. Adoption of construction schedules for wastewater facilities improvements in the annually adopted Capital Improvements Element and adoption of standards for the construction of wastewater treatment facilities that meet or exceed the criteria of Chapter 99-395, Laws of Florida; and

3. Adoption of goals, objectives and policies to protect public safety and welfare in the event of a natural disaster by maintaining a hurricane evacuation clearance time for permanent residents of no more than 24 hours. The hurricane evacuation clearance time shall be determined by a hurricane evacuation study conducted in accordance with a professionally accepted methodology and approved by the Department of Community Affairs.

HB 1299
De-Designation of Monroe County
as Area of Critical State Concern

Sponsored by
Representative Ken Sorensen

1 A bill to be entitled

2 An act relating to areas of critical state concern;
3 amending s. 125.0108, F.S.; authorizing the continued levy
4 of the tourist impact tax in areas of critical state
5 concern removed from designation; amending s. 212.055,
6 F.S.; authorizing certain counties to continue the use of
7 a portion of local government infrastructure surtax
8 proceeds for certain purposes after removal of designation
9 of an area as an area of critical state concern; amending
10 s. 380.0552, F.S.; providing requirements, procedures, and
11 criteria for Administration Commission removal of
12 designation of the Florida Keys Area as an area of
13 critical state concern; requiring removal of the
14 designation under certain circumstances; providing for
15 judicial review of Administration Commission
16 determinations; amending s. 380.0666, F.S.; revising the
17 powers of a land authority in an area of critical state
18 concern to acquire property to provide affordable housing;
19 providing for continued power of a land authority to
20 acquire property within an area of critical state concern
21 removed from designation; amending s. 380.0674, F.S.;
22 providing for the continuation of a land authority in an
23 area of critical state concern after removal of the
24 designation; amending s.4, ch. 99-395, Laws of Florida;
25 authorizing local governments in areas of critical state
26 concern removed from designation to continue to enact
27 ordinances relating to central sewerage systems; providing
28 for continuation of existing state liability in certain

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

hb1299-00

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inverse condemnation actions related to the Florida Keys Area after removal of designation; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraph (g) is added to subsection (1) of section 125.0108, Florida Statutes, to read:

125.0108 Areas of critical state concern; tourist impact tax.--

(1)

(g) A county that has levied the tourist impact tax authorized by this section in an area or areas designated as an area of critical state concern for at least 20 consecutive years prior to removal of the designation may continue to levy the tourist impact tax in accordance with this section.

Section 2. Paragraph (f) of subsection (2) of section 212.055, Florida Statutes, is amended to read:

212.055 Discretionary sales surtaxes; legislative intent; authorization and use of proceeds.--It is the legislative intent that any authorization for imposition of a discretionary sales surtax shall be published in the Florida Statutes as a subsection of this section, irrespective of the duration of the levy. Each enactment shall specify the types of counties authorized to levy; the rate or rates which may be imposed; the maximum length of time the surtax may be imposed, if any; the procedure which must be followed to secure voter approval, if required; the purpose for which the proceeds may be expended;

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57 and such other requirements as the Legislature may provide.
58 Taxable transactions and administrative procedures shall be as
59 provided in s. 212.054.

60 (2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.--

61 (f)1. Notwithstanding paragraph (d), a county that has a
62 population of 50,000 or less on April 1, 1992, or any county
63 designated as an area of critical state concern on the effective
64 date of this act, and that imposed the surtax before July 1,
65 1992, may use the proceeds and interest of the surtax for any
66 public purpose if:

67 a. The debt service obligations for any year are met;

68 b. The county's comprehensive plan has been determined to
69 be in compliance with part II of chapter 163; and

70 c. The county has adopted an amendment to the surtax
71 ordinance pursuant to the procedure provided in s. 125.66
72 authorizing additional uses of the surtax proceeds and interest.

73 2. A municipality located within a county that has a
74 population of 50,000 or less on April 1, 1992, or within a
75 county designated as an area of critical state concern on the
76 effective date of this act, and that imposed the surtax before
77 July 1, 1992, may not use the proceeds and interest of the
78 surtax for any purpose other than an infrastructure purpose
79 authorized in paragraph (d) unless the municipality's
80 comprehensive plan has been determined to be in compliance with
81 part II of chapter 163 and the municipality has adopted an
82 amendment to its surtax ordinance or resolution pursuant to the
83 procedure provided in s. 166.041 authorizing additional uses of
84 the surtax proceeds and interest. Such municipality may expend

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85 the surtax proceeds and interest for any public purpose
86 authorized in the amendment.

87 3. Those counties designated as an area of critical state
88 concern which qualify to use the surtax for any public purpose
89 may use only up to 10 percent of the surtax proceeds for any
90 public purpose other than for infrastructure purposes authorized
91 by this section. A county that was designated as an area of
92 critical state concern for at least 20 consecutive years prior
93 to removal of the designation, and that qualified to use the
94 surtax for any public purpose at the time of the removal of the
95 designation, may continue to use up to 10 percent of the surtax
96 proceeds for any public purpose other than for infrastructure
97 purposes authorized by this section after the removal of the
98 designation.

99 Section 3. Subsection (4) of section 380.0552, Florida
100 Statutes, is amended to read:

101 380.0552 Florida Keys Area; protection and designation as
102 area of critical state concern.--

103 (4) REMOVAL OF DESIGNATION.--

104 (a) Between July 12, 2007, and August 30, 2007, the state
105 land planning agency shall submit a written report to the
106 Administration Commission describing in detail the progress of
107 the Florida Keys Area toward accomplishing the tasks of the work
108 program as defined in paragraph (c) and providing a
109 recommendation as to whether substantial progress toward
110 accomplishing the tasks of the work program has been achieved.
111 Subsequent to receipt of the report, the Administration
112 Commission shall determine, prior to October 1, 2007, whether

113 substantial progress has been achieved toward accomplishing the
114 tasks of the work program. The designation of the Florida Keys
115 Area as an area of critical state concern under this section
116 shall be removed October 1, 2007, unless the Administration
117 Commission finds, after receipt of the state land planning
118 agency report, that substantial progress has not been achieved
119 toward accomplishing the tasks of the work program. If the
120 designation of the Florida Keys Area as an area of critical
121 state concern is removed, the Administration Commission, within
122 60 days after removal of the designation, shall initiate
123 rulemaking pursuant to chapter 120 to repeal any rules relating
124 to the designation of the Florida Keys Area as an area of
125 critical state concern. If, after receipt of the state land
126 planning agency's report, the Administration Commission finds
127 that substantial progress toward accomplishing the tasks of the
128 work program has not been achieved, the Administration
129 Commission shall provide a written report to the Monroe County
130 Commission within 30 days after making such finding detailing
131 the tasks under the work program that must be accomplished in
132 order for substantial progress to be achieved within the next 12
133 months.

134 (b) If the designation of the Florida Keys Area as an area
135 of critical state concern is not removed in accordance with
136 paragraph (a), the state land planning agency shall submit a
137 written annual report to the Administration Commission on
138 November 1 of each year, until such time as the designation is
139 removed, describing the progress of the Florida Keys Area toward
140 accomplishing remaining tasks under the work program and

141 providing a recommendation as to whether substantial progress
142 toward accomplishing the tasks of the work program has been
143 achieved. The Administration Commission shall determine, within
144 45 days after receipt of the annual report, whether substantial
145 progress has been achieved toward accomplishing the remaining
146 tasks of the work program. The designation of the Florida Keys
147 Area as an area of critical state concern under this section
148 shall be removed unless the Administration Commission finds that
149 substantial progress has not been achieved toward accomplishing
150 the tasks of the work program. If the designation of the Florida
151 Keys Area as an area of critical state concern is removed, the
152 Administration Commission, within 60 days after removal of the
153 designation, shall initiate rulemaking pursuant to chapter 120
154 to repeal any rules relating to the designation of the Florida
155 Keys Area as an area of critical state concern. If the
156 Administration Commission finds that substantial progress has
157 not been achieved, the Administration Commission shall provide
158 to the Monroe County Commission, within 30 days after making its
159 finding, a report detailing the tasks under the work program
160 that must be accomplished in order for substantial progress to
161 be achieved within the next 12 months.

162 (c) For purposes of this subsection, the term "work
163 program" means the 10-year work program as set forth in chapter
164 28-20.110, Florida Administrative Code, on January 1, 2006,
165 excluding amendments to the work program that take effect after
166 January 1, 2006.

167 (d) Judicial review of the Administration Commission's
168 determination as to whether substantial progress has been made

160 ~~toward accomplishing the tasks of the work program shall be~~
170 ~~sought in the circuit court where the Administration Commission~~
171 ~~maintains its headquarters or in the circuit court with~~
172 ~~jurisdiction over the Florida Keys Area as described in chapter~~
173 ~~28-29, Florida Administrative Code. All proceedings shall be~~
174 ~~initiated in accordance with the Florida Rules of Civil~~
175 ~~Procedure within 30 days after the Administration Commission~~
176 ~~renders its determination. The Administration Commission's~~
177 ~~determination as to whether substantial progress has been made~~
178 ~~toward accomplishing the tasks of the work program shall not be~~
179 ~~subject to administrative review under chapter 120. The state~~
180 ~~land planning agency, following July 15, 1990, shall recommend~~
181 ~~to the Administration Commission the removal of the designation~~
182 ~~specified in subsection (3) if it determines that all local land~~
183 ~~development regulations and local comprehensive plans and the~~
184 ~~administration of such regulations and plans are adequate to~~
185 ~~protect the Florida Keys Area and continue to carry out the~~
186 ~~legislative intent incorporated in subsection (2) and are in~~
187 ~~compliance with the principles for guiding development~~
188 ~~incorporated in subsection (7). If the Administration Commission~~
189 ~~concurs with the recommendations of the state land planning~~
190 ~~agency to remove the designation, it shall, within 45 days of~~
191 ~~receipt of the recommendation, initiate rulemaking to remove the~~
192 ~~designation. The state land planning agency shall thereafter~~
193 ~~make said determination annually, until such time as the~~
194 ~~designation is removed.~~

195 Section 4. Subsection (3) of section 380.0666, Florida
196 Statutes, is amended to read:

197 380.0666 Powers of land authority.--The land authority
198 shall have all the powers necessary or convenient to carry out
199 and effectuate the purposes and provisions of this act,
200 including the following powers, which are in addition to all
201 other powers granted by other provisions of this act:

202 (3) To acquire and dispose of real and personal property
203 or any interest therein when such acquisition is necessary or
204 appropriate to protect the natural environment, provide public
205 access or public recreational facilities, preserve wildlife
206 habitat areas, provide affordable housing to families whose
207 income does not exceed 160 percent of the median family income
208 for the area ~~very low income, low income, or moderate income~~
209 ~~persons, as defined in s. 420.0004,~~ or provide access to
210 management of acquired lands; to acquire interests in land by
211 means of land exchanges; and to enter into all alternatives to
212 the acquisition of fee interests in land, including, but not
213 limited to, the acquisition of easements, development rights,
214 life estates, leases, and leaseback arrangements. However, the
215 land authority shall make such acquisition only if:

216 (a) Such acquisition is consistent with land development
217 regulations and local comprehensive plans adopted and approved
218 pursuant to this chapter;

219 (b) The property acquired is within an area designated as
220 an area of critical state concern at the time of acquisition or
221 is within an area that was designated as an area of critical
222 state concern for at least 20 consecutive years prior to removal
223 of the designation; and

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(c) The property to be acquired has not been selected for purchase through another local, regional, state, or federal public land acquisition program. Such restriction shall not apply if the land authority cooperates with the other public land acquisition programs which listed the lands for acquisition, to coordinate the acquisition and disposition of such lands. In such cases, the land authority may enter into contractual or other agreements to acquire lands jointly or for eventual resale to other public land acquisition programs.

Section 5. Section 380.0674, Florida Statutes, is amended to read:

380.0674 Corporate existence.--

(1) The land authority and its corporate existence shall continue until terminated by law or action of the governing board of the county that established it; however, no such law or action shall take effect so long as the land authority shall have bonds outstanding unless adequate provision has been made for the payment thereof. Upon termination of the existence of the land authority, all its rights and properties in excess of its obligations shall pass to and be vested in the state.

(2) A land authority created by a county in which one or more areas have been designated as an area of critical state concern for at least 20 consecutive years prior to removal of the designation shall continue to exist and exercise all powers granted by this chapter until terminated by law or action of the governing board pursuant to subsection (1).

Section 6. Section 4 of chapter 99-395, Laws of Florida, is amended to read:

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252 Section 4. Notwithstanding any provision of chapter 380,
253 part I, to the contrary, a local government within the Florida
254 Keys area of critical state concern or an area that was
255 designated as an area of critical state concern for at least 20
256 consecutive years prior to removal of the designation may enact
257 an ordinance that:

258 (1) Requires connection to a central sewerage system
259 within 30 days of notice of availability of services; and

260 (2) Provides a definition of onsite sewage treatment and
261 disposal systems that does not exclude package sewage treatment
262 facilities if such facilities are in full compliance with all
263 regulatory requirements and treat sewage to advanced wastewater
264 treatment standards or utilize effluent reuse as their primary
265 method of effluent disposal.

266 Section 7. If the designation of the Florida Keys Area as
267 an area of critical state concern is removed, the state shall be
268 liable in any inverse condemnation action initiated as a result
269 of Monroe County land use regulations applicable to the Florida
270 Keys Area as described in chapter 28-29, Florida Administrative
271 Code, and adopted pursuant to instructions from the
272 Administration Commission or pursuant to administrative rule of
273 the Administration Commission, to the same extent that the state
274 was liable on the date the Administration Commission determined
275 that substantial progress had been made toward accomplishing the
276 tasks of the work program as defined in s. 380.0552(4)(c),
277 Florida Statutes. If, after the designation of the Florida Keys
278 Area as an area of critical state concern is removed, an inverse
279 condemnation action is initiated based upon land use regulations

282 ~~that were not adopted pursuant to instructions from the~~
283 ~~the Administration Commission and in effect on the date of the~~
284 designation's removal, the state's liability in the inverse
285 condemnation action shall be determined by the courts in the
286 manner in which the state's liability is determined in areas
287 that are not areas of critical state concern. The state shall
288 have standing to appear in any inverse condemnation action.

Section 8. This act shall take effect July 1, 2006.